

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin and Southern Railroad Co. for a Determination of the Adequacy of Protective Devices at the Public Crossings of the Wisconsin and Southern Railroad Co. Tracks with Three Streets in the City of Beaver Dam, Dodge County

9170-RX-178

FINDINGS OF FACT AND ORDER

By letter dated May 28, 2004, Wisconsin and Southern Railroad Co. (WSOR or Railroad) filed a petition with the Office of the Commissioner of Railroads (OCR) under §195.28, Wis. Stats., for a determination of the adequacy of warning devices at the public crossings of the WSOR tracks with three streets in the city of Beaver Dam, Dodge County . The three crossings are DeClark Street, Carrol Street and Fletcher Road, crossing numbers 386-891L, 386-886P, and 911-028G. The petitioner has completed a track upgrade on this line of track, and is increasing the timetable speed from 10 mph to 25 mph.

An OCR investigator inspected the crossings. No hearing was held.

Findings of Fact

THE COMMISSIONER FINDS:

The railroad has recently completed a track upgrade on this line of track, including the addition of continuous welded rail, and other improvements. This has allowed the railroad to increase its speed from 10 mph to 25 mph. Freight operations consist of two trains per day.

**DeClark Street**

DeClark Street is 24 feet wide in the vicinity of the crossing and intersects the railroad tracks at an angle of 30° left hand forward. The roadway approaches are about level. DeClark Street carried an average daily traffic (ADT) of 4100 according to 2004 DOT records at a legal speed limit of 25 mph.

A motorist traveling at 25 mph requires a safe stopping distance of 165'. The crossing is visible from greater than this distance in each direction. Assuming a train speed of 25 mph, a motorist traveling at 25 mph needs to see a train when it is 250' from the crossing from a point 165' down the highway. The sight distance available in each quadrant from the safe stopping distance is as follows: 180' northwest quadrant, 60' northeast quadrant, 60' southwest quadrant and 140' southeast quadrant. The southeast quadrant and the northwest quadrant are clear of obstructions in the vicinity of the crossing. Sight distance down the tracks from the stop line is in excess of 800 feet in each quadrant. Minimum clearing sight distance for a WB-50 semi trailer is 560 feet.

The exposure factor at this crossing is 8,200. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

No train-vehicle accidents have occurred at this crossing since 1973.

Existing warning devices consist of reflective crossbucks. The existing warning devices are inadequate. In order to adequately protect public safety the installation of stop signs is needed until the time that automatic flashing light signals are installed because of the exposure and increased train speeds. The railroad has offered to install stop signs equipped with LED flashing lights on a test basis. The use of reused flashing light signals will be adequate for this location. There is a set of salvageable flashing light signals with gates from the Union Pacific Railroad Company crossing of Wilson Drive (crossing no. 183 951F) in Altoona that will be adequate.

In addition, the order requires the City to install and maintain pavement markings at the crossing. The Manual on Uniform Traffic Control Devices (MUTCD) requires pavement markings at all crossings with signals or gates (section 8B-4).

### **Carrol Street**

Carrol Street is 22 feet wide in the vicinity of the crossing and intersects the railroad tracks at an angle of about 90 degrees. The crossing is in a slight curve. The crossing consists of a main track and a side track. The roadway approaches are about level. Carrol Street carried an average daily traffic (ADT) of 2750 according to 2004 DOT records at a legal speed limit of 25 mph.

A motorist traveling at 25 mph requires a safe stopping distance of 165'. The crossing is visible from greater than this distance in each direction. Assuming a train speed of 25 mph, a motorist traveling at 25 mph needs to see a train when it is 250' from the crossing from a point 165' down the highway. The sight distance available in each quadrant from the safe stopping distance is greater than this distance in each quadrant. Sight distance down the tracks from the stop line is in excess of 800 feet in each quadrant. Minimum clearing sight distance for a WB-50 semi trailer is 560 feet.

The exposure factor at this crossing is 5,500. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

No train-vehicle accidents have occurred at this crossing since 1973.

Existing warning devices consist of reflective crossbucks. The existing warning devices are adequate.

### **Fletcher Street**

Fletcher Street is 24 feet wide in the vicinity of the crossing and intersects the railroad tracks at an angle of about 90 degrees. The roadway approaches are about level. Fletcher Street carried an average daily traffic (ADT) of 250 according to 2004 DOT records at a legal speed limit of 25 mph.

A motorist traveling at 25 mph requires a safe stopping distance of 165'. The crossing is visible from greater than this distance in each direction. Assuming a train speed of 25 mph, a motorist traveling at 25 mph needs to see a train when it is 250' from the crossing from a point 165' down the highway. The sight distance available in each quadrant from the safe stopping distance is greater than this distance in each quadrant. Sight distance down the tracks from the stop line is in excess of 800 feet in each quadrant. Minimum clearing sight distance for a WB-50 semi trailer is 560 feet.

The exposure factor at this crossing is 500. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

No train-vehicle accidents have occurred at this crossing since 1973.

Existing warning devices consist of reflective crossbucks. The existing warning devices are adequate.

#### Conclusion on the Issue

##### THE COMMISSIONER CONCLUDES:

1. That in order to adequately protect and promote public safety, it is necessary to install and maintain reused automatic flashing lights with gates salvaged from the Union Pacific Railroad Company crossing of Wilson Street in Altoona at the crossing of the tracks of the Wisconsin and Southern Railroad Co. with DeClark Street in the City of Beaver Dam, Dodge County.

2. That in order to adequately protect and promote public safety at the crossing of the tracks of Wisconsin and Southern Railroad Co. with DeClark Street it is necessary to install and maintain stop signs with LED flashing lights at the crossing until the automatic flashing lights are installed.

3. That in order to adequately protect and promote public safety, it is necessary to maintain the existing crossbucks at the crossing of the tracks of the Wisconsin and Southern Railroad Co. with Carrol Street in the City of Beaver Dam, Dodge County.

4. That in order to adequately protect and promote public safety, it is necessary to maintain the existing crossbucks at the crossing of the tracks of the Wisconsin and Southern Railroad Co. with Fletcher Street in the City of Beaver Dam, Dodge County.

#### Conclusion of Law

##### THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

#### Order

##### THE COMMISSIONER ORDERS:

1. That the **Wisconsin and Southern Railroad Co.** shall install and maintain reused automatic flashing lights at the crossing of the tracks of the Wisconsin and Southern Railroad Co. with **DeClark Street** in the City of Beaver Dam, Dodge County, by **December 31, 2005** (crossing number 386-891L). That the Wisconsin & Southern Railroad Co. shall reuse signals

from the crossing of the Union Pacific Railroad Co. with Wilson Drive in the City of Altoona, Eau Claire County (crossing no. 183 951F).

2. That the **Wisconsin and Southern Railroad Co.** shall install and maintain stop signs with LED flashing lights at the crossing of **DeClark Street** until the automatic flashing lights are installed.

3. That the **Wisconsin and Southern Railroad Co.** shall maintain the existing crossbucks at the crossing of the tracks of the Wisconsin and Southern Railroad Co. with **Carrol Street** in the City of Beaver Dam, Dodge County crossing number 386-886P.

4. That the **Wisconsin and Southern Railroad Co.** shall maintain the existing crossbucks at the crossing of the tracks of the Wisconsin and Southern Railroad Co. with **Fletcher Street** in the City of Beaver Dam, Dodge County, crossing number 911-028G.

5. That the Wisconsin and Southern Railroad Co. shall submit to the Office of the Commissioner of Railroads signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the Wisconsin Department of Transportation.

6. That the signal installation work herein ordered shall not begin until the district office of the Wisconsin Department of Transportation informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

7. That to the extent feasible the railroad shall re-use the existing signal equipment.

8. That the Wisconsin and Southern Railroad Co. shall bear no part of the cost of the crossing signals installation, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

9. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

10. That jurisdiction is retained.

Dated at Madison, Wisconsin, \_\_\_\_\_.

By the Office of the Commissioner of Railroads.

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Rodney W. Kreunen  
Commissioner of Railroads

